

REMARKS

This responds to the Office Action mailed on May 16, 2006, and the references cited therewith.

Claims 1, 7, and 16 are amended; as a result, claims 1-20 are now pending in this application.

§102 Rejection of the Claims

Claims 1-2, 4, 6-9, 12, 14-18 and 20 were rejected under 35 U.S.C. § 102(e) for anticipation by Tumblin et al. (U.S. 6,490,679). It is of course fundamental that in order to sustain an anticipation rejection that each and every step or element in the rejected claims must be taught or suggested in the cited reference.

First, Applicants would like to address a contention being asserted by the Examiner. The Examiner has asserted that the NSIM of the Tumblin reference is equivalent to an upper connection layer. Applicants assert that this is in fact not the case. The Examiner's attention is directed to a variety of references within the specification of Tumblin that directly conflict with this interpretation. For example, see column 8 lines 29-33 and lines 43-46 where it is the SIM that establishes a new session (connection). The specification is riddled with teachings where the SIM is the module that provides connectivity, it is not the NSIM which does this. Arguably even if the Examiner continues to assert that the NSIM may be viewed as a portion of the upper connection layer, then there is still two distinct modules associated with the upper connection layer, namely the NSIM and the SIM that cooperate to establish a connection.

Second, Applicants would like to point a fundamental difference in operation between Tumblin and Applicants' invention. The NSIM includes an API that must be linked and interfaced to the application 210 of Tumblin. Applicants made this point in the prior responses. The Examiner's attention is directed to column 5 lines 21-24 where it is stated each NSIM provides a recognized API to the security non-extensible application 210 and another API to a network access module 180. *Emphasis added.* The application 210 is fully aware of the NSIM and uses its API to communicate with it, that API is in fact linked into application 210.

The Examiner asserts that application 210 is “security unaware” because it is defined as a security non-extensible application 210. Applicants respectfully disagree with this assessment because the application 210 is just not capable of performing security transactions in its present legacy form; thus, it is called “security non-extensible.” So, the application 210 without substantial modification is not independently “security capable;” but, this does not mean that the application 210 is not still “security aware.” In fact, the application 210 is “security aware” because it is integrated with and actively uses an API of the NSIM for purposes of achieving security. With Applicants’ invention the application is “security unaware” because it is not even aware of what is transpiring and it is not preconfigured or linked to use any particular and different API or module. The application in Applicants’ invention requires no modification to achieve security; this is not the case in Tumblin where the application 210 has to be integrated with the NSIM and has to utilize API calls associated with the NSIM. So, Applicants feel this distinction is significant the phrase “security non-extensible application 210” does not imply that the application 210 is security unaware; rather it implies the application 210 in its present form cannot achieve security transactions on its own accord using its own existing logic or code.

Also, the application data sent from the application 210 in the Tumblin reference and intentionally directed to the NSIM using the NSIM API is not application data received at an “upper connection layer of a protocol stack.” In fact, in Tumblin the interaction between the application 210 and the NSIM is not even at the protocol stack layer it is not even to that point yet and as such is not even addressed at all in Tumblin. That is, in Tumblin the application consciously makes API calls to the NSIM to communicate or establish connections, the NSIM communicates with the SIM to create a session; at no point is the protocol stack yet addressed. Thus, Tumblin cannot be said to “directly receive application data” from an application at an “upper connection layer of a protocol stack.” If the NSIM is the upper connection layer then it still is not associated with the protocol stack and there is no teaching or suggestion of this within NSIM.

Finally, Applicants’ independent claims now also include limitations where the application sends the application data using a desired connection specific API that is not associated with security. Support for this can be found, as one example, in the original filed specification the first full paragraph of page 14. Essentially, what the Applicants are trying to

convey is that the application uses existing API's directly associated with a connection mechanism that it desires to use, such as WinSock, to establish an connection. That connection API is not associated with security but it is transformed into a security connection unbeknownst to the application. In Tumblin, connections are made directly via API calls to the NSIM and the NSIM is not a connection API that is not associated with security. In fact, it is associated with security and the specification indicates as much; albeit it is a proprietary security API known to only the NSIM, the SIM, and the application 210. Applicants believe that the Examiner understands this point and Applicants welcome suggestions by the Examiner to achieve what is trying to be conveyed if the Examiner still believes that the claims in the present form does not adequately convey what the Applications are trying to communicate. Stated another way, the application in Applicants' invention uses an existing connection API that is not associated with security and sends data to the protocol stack and to that existing and non security API for purposes of establishing a connection. That data is detected, in some cases based on its presence on a specific port (see specification pages 11 and 12), and sent to a security layer for processing to transform it into a security transaction. Conversely, Tumblin requires the application 210 to send connection requests to a security aware module, namely the NSIM, using the NSIM-specific API that the application 210 is aware of and then the NSIM interacts with the upper connection layer to negotiate a connection. There is a substantial distinction here and Applicants welcome suggestions or a phone call from the Examiner to resolve this in a manner that is amicable to both parties.

Accordingly, Applicants assert that the Tumblin reference does not teach each and every limitation of Applicants' amended independent claims and that the rejections should be withdrawn. Applicants respectfully request an indication of the same.

§103 Rejection of the Claims

Claims 3 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumblin et al. in view of SSL-Talk List FAQ ("SSL-Talk List FAQ Secure Sockets Layer Discussion List FAQ v1.1.1"). Claim 3 is dependent from amended independent claim 1 and claim 10 is dependent from amended independent claim 9; therefore, for the amendments and remarks presented above with respect to claims 1 and 9, the rejections of claims 3 and 10 should

be withdrawn and these claims should be allowed. Applicants respectfully request an indication of the same.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumblin et al. in view of Samar (U.S. 6,304,974). Claim 5 is dependent from amended independent claim 1; thus, for the amendment and remarks presented above with respect to amended independent claim 1, the rejection of claim 5 should be withdrawn and claim 5 should be allowed. Applicants respectfully request an indication of the same.

Claims 11 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumblin et al. in view of What's Enhanced in NetWare 5 ("Novell NetWare Connection Enhanced Netware 5"). Claim 11 is dependent from amended independent claim 7 and claim 19 is dependent from amended independent claim 16; accordingly, in view of the amendments and remarks presented above with respect to amended independent claims 7 and 16, the rejections of claims 11 and 19 should be withdrawn and these claims allowed. Applicants respectfully request an indication of the same.

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumblin et al. in view of MS SSL Advisor ("Microsoft Security Advisor SSL Specific WSALocctl Controls"). Claim 13 is dependent from amended independent claim 7; therefore, for the amendment and remarks presented above with respect to amended independent claim 7, the rejection of claim 13 should be withdrawn and claim 13 allowed. Applicants respectfully request an indication of the same.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

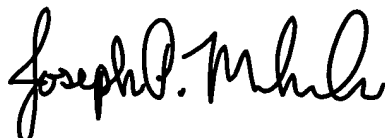
Respectfully submitted,

BABER AMIN ET AL.

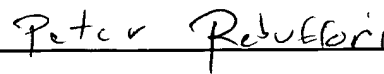
By their Representatives,

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Date August 16, 2006

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16 day of August 2006.


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